

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6136

BILL NUMBER: HB 1016

NOTE PREPARED: Jan 23, 2013

BILL AMENDED: Jan 22, 2013

SUBJECT: Problem-Solving Courts.

FIRST AUTHOR: Rep. Koch

FIRST SPONSOR: Sen. Steele

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Additional Circumstances for Participation in Problem-Solving Courts* – It provides additional circumstances under which a person can participate in a problem-solving court program.
- B. *Rehabilitative Services* – It provides that a problem-solving court may provide rehabilitative services. It specifies that rehabilitative services can include classes, programs or services concerning education, criminal thinking and behavior, employment, and parenting and family support.
- C. *Court Fee Transfer Process* – It simplifies the problem-solving court fee transfer process.
- D. *Veterans Court Pilot Project* – It establishes a pilot project in Lake County permitting the county fiscal body to supplement the cost of a veteran's court with not more than 50% of the funds in the County Drug Free Community Fund.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Additional Circumstances for Participation* – This bill would permit individuals who are sentenced for a misdemeanor or currently under the jurisdiction of the Department of Correction or a county sheriff to participate in a problem-solving court.

Under current law, persons may be eligible to participate in a problem-solving court program if the person is convicted of a misdemeanor and placed on probation. Judicial Center staff note that some counties may not place persons convicted of a misdemeanor on probation because of either the relatively short sentence or due to limited community resources. This bill would permit these persons to participate in a problem-solving court program.

Concerning offenders under the jurisdiction of the Department of Correction (DOC) and county sheriffs, Judicial Center staff anticipate that courts could begin to work with selected offenders while they are still incarcerated and could continue while the offender is in the community transition program.

The number of persons who could be admitted into a problem-solving court program will depend on the discretion of the court, DOC, the county sheriff, and the Indiana Judicial Center.

Rehabilitative Services – Under current law, problem-solving courts cannot provide rehabilitation services such as counseling and certain types of other programs and must go through contractors. This provision would allow these courts to have more flexibility in providing services directly to the person participating in a problem-solving court program. As specified by this bill, rehabilitative services can include classes, programs or services concerning education, criminal thinking and behavior, employment, and parenting and family support.

The Indiana Judicial Center reports 53 problem-solving courts in Indiana are located in counties comprising an estimated 68% of the state population.

(Revised) Veterans Court Pilot Project – Lake County currently does not have a veteran's court. The Lake County Council could adopt an ordinance to establish a pilot project to supplement the funding of a veteran's court if a veteran's court is established by the Lake County Courts. At the discretion of the Lake County Council, the costs of a veteran's court could be supplemented with up to 50% of the money in the County Drug Free Community Fund in Lake County. This pilot project and the ability of the Lake County Council to supplement the veteran's court would expire on June 30, 2018.

Based on the receipts and disbursements reported to the State Board of Accounts on the county's annual report, the Drug Free Community Fund in Lake County had reported receipts of about \$406,322, disbursements of \$415,036, and an ending cash balance of \$439,302 on December 31, 2011.

Explanation of Local Revenues: *Court Fee Transfer Process* – This streamlines the collection process by requiring problem-solving courts to collect and transfer all fees directly to the county fiscal officer instead of through the clerks of the court. In CY 2011, 26 problem-solving courts reported collecting \$267,539 in court fees.

State Agencies Affected: Indiana Judicial Center.

Local Agencies Affected: Problem-solving courts; Lake County.

Information Sources: Diane Mains, Indiana Judicial Center; *2011 Judicial Report*; Department of Local Government Finance Gateway website.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.